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13 **UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

14 UNITED STATES OF AMERICA, ) Case # 2:13-CR-192-LRH-GWF-1  
 15 )  
 Plaintiff(s), )  
 16 vs. )  
 17 RONALD J. HOLMES, )  
 18 Defendant(s). )

19 **STIPULATION TO VACATE CALENDAR CALL, CONTINUE TRIAL DATE AND SET**  
 20 **MATTER FOR CHANGE OF PLEA**

21 **IT IS HEREBY STIPULATED AND AGREED**, by and between Daniel Bodgen, United  
 22 States Attorney, and Daniel R. Schiess, Assistant United States Attorney, counsel for the United  
 23 States of America; and Michael L. Lipman, Barbara H. Murray, and Jason M. Ohta of Duane Morris  
 24 LLP, counsel for Ronald J. Holmes, that the calendar call currently scheduled for November 7, 2013,  
 25 at the hour of 9:00 a.m. be vacated; the trial currently scheduled for November 19, 2013 at the hour  
 26 of 9:00 a.m. be vacated and continued to January 28, 2014 at the hour of 9:00 a.m.; and the matter be  
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1 set for a change of plea on December 10, 2013 at 9:00 a.m. before the Honorable Howard D.  
2 McKibben.

3 This Stipulation is entered into for the following reasons:

4 1. Defendant Ronald J. Holmes is named in an Indictment setting forth three counts and  
5 six forfeiture allegations. The Indictment charges Mr. Holmes with conspiracy to commit mail  
6 fraud, wire fraud, and bank fraud beginning in or about 2006, and continuing to in or about 2009.  
7 The Indictment also charges Mr. Holmes with two counts of bank fraud during this same time.

8 2. The Indictment was returned on May 29, 2013. Mr. Holmes made his initial  
9 appearance on May 30, 2013, at which time attorney Michael Miceli was appointed to represent him.  
10 Mr. Holmes is not in custody.

11 3. Mr. Holmes' family retained Duane Morris LLP to represent Mr. Holmes in this case.  
12 Attorneys Michael L. Lipman, Barbara H. Murray and Jason M. Ohta filed *pro hac vice* applications  
13 on July 26, 2013. This Court approved the applications on August 19, 2013.

14 4. Counsel for Defendant need additional time to meet with Mr. Holmes and review the  
15 voluminous discovery that exists in this case.

16 5. Were the request for continuance denied, counsel would not have the reasonable time  
17 necessary for effective preparation, taking into account the exercise of due diligence, and a  
18 miscarriage of justice could result.

19 6. The ends of justice served by granting a continuance outweighs the best interest of the  
20 public and the defendant in a speedy trial.

21 7. The additional time requested by this Stipulation is excludable in computing the time  
22 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C.  
23 §3161(h)(7)(A), considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

24 8. Furthermore, Mr. Holmes is prepared to enter a change of plea.

25 Dated: November 1, 2013

Respectfully Submitted,

26 **DUANE MORRIS LLP**

27 By: /S/ Michael L. Lipman  
28 **MICHAEL L. LIPMAN**  
Attorneys for Defendant Ronald J. Holmes

/S/ Daniel R. Schiess  
**DANIEL R. SCHIESS**  
Assistant U.S. Attorney

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Case # 2:13-CR-192-LRH-GWF-1

Plaintiff(s),

vs.

RONALD J. HOLMES,

Defendant(s).

**FINDINGS OF FACT**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court hereby finds that:

1. Defendant Ronald J. Holmes is named in an Indictment setting forth three counts and six forfeiture allegations. The Indictment charges Mr. Holmes with conspiracy to commit mail fraud, wire fraud, and bank fraud beginning in or about 2006, and continuing to in or about 2009. The Indictment also charges Mr. Holmes with two counts of bank fraud during this same time.

2. The Indictment was returned on May 29, 2013. Mr. Holmes made his initial appearance on May 30, 2013, at which time attorney Michael Miceli was appointed to represent him. Mr. Holmes is not in custody.

3. Mr. Holmes' family retained Duane Morris LLP to represent Mr. Holmes in this case. Attorneys Michael L. Lipman, Barbara H. Murray and Jason M. Ohta filed *pro hac vice* applications on July 26, 2013. This Court approved the *pro hac vice* applications on August 19, 2013.

4. Counsel for Defendant needs additional time to meet with Mr. Holmes and review the voluminous discovery that exists in this case.

5. Were the request for continuance denied, counsel would not have the reasonable time necessary for effective pretrial and trial preparation, taking into account the exercise of due diligence, and a miscarriage of justice could result.

6. The ends of justice served by granting a continuance outweighs the best interest of the public and the defendant in a speedy trial.

1           7.       The additional time requested by this Stipulation is excludable in computing the time  
2 within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. §  
3 3161(h)(7)(A), considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and 3161(h)(7)(B)(iv).

4           8.       Furthermore, Mr. Holmes is prepared to enter a change of plea.

5                               **CONCLUSIONS OF LAW**

6           Based on the facts set forth above, the Court hereby concludes that the ends of justice served  
7 by granting this continuance outweigh the best interest of the public and the defendant in a speedy  
8 trial, since the failure to grant said continuance would likely result in a miscarriage of justice, would  
9 deny the parties sufficient time and opportunity within which to be able to effectively and  
10 thoroughly prepare for trial, taking into account the exercise of due diligence.

11           The continuance sought herein is excludable under the Speedy Trial Action, 18 U.S.C.  
12 § 3161(h)(7)(A), when considering the factors under 18 U.S.C. §§ 3161(h)(7)(B)(i) and  
13 3161(h)(7)(B)(iv).

14                               **ORDER**

15           **IT IS THEREFORE ORDERED** that the calendar call currently scheduled for November  
16 7, 2013, at the hour of 9:00 a.m. be vacated; the trial currently scheduled for November 19, 2013 at  
17 the hour of 9:00 a.m. be vacated and continued to January 28, 2014 at the hour of 9:00 a.m. in a Las  
18 Vegas Courtroom to be determined; and the matter be set for a change of plea on December 10, 2013  
19 at the hour of 9:00 a.m. before the honorable Howard D. McKibben in a Las Vegas Courtroom to be  
20 determined.

21           **Dated** this 4th day of November, 2013.



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23   HONORABLE LARRY R. HICKS  
24   UNITED STATES DISTRICT JUDGE  
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